

25 CLIFTON STREET

SHAW-WALKER

Far cut #022H - Half cut #0202H - Third cut #0203H - Full cut #0203H

CITY OF PORTLAND, MAINE

Application for Permit to Install Wires

Permit No. 56624

Issued 3/1/68

Portland, Maine

3/1/68, 19

To the City Electrician, Portland, Maine:

The undersigned hereby applies for a permit to install wires for the purpose of conducting electric current, in accordance with the laws of Maine, the Electrical Ordinance of the City of Portland, and the following specifications:

(This form must be completely filled out — Minimum Fee, \$1.00)

Owner's Name and Address **NANCY HART 26 CLIFTON ST.**

Contractor's Name and Address **TURNER ELECT. CO. Inc. Tel. 7950504**

Location **FIRST FLOOR** Use of Building

Number of Families Apartments Stores Number of Stories

Description of Wiring: New Work Additions Alterations

INSTALL DRYER

Pipe Cable Metal Molding BX Cable Plug Molding (No. of feet)

No. Light Outlets Plugs Light Circuits Plug Circuits

FIXTURES: No. Light Switches Floor or Strip Lighting (No. feet)

SERVICE: Pipe Cable Underground No. of Wires Size

METERS: Relocated Added Total No. Meters

MOTORS: Number Phase H. P. Amps Volts Starter

HEATING UNITS: Domestic (Oil) No. Motors Phase H.P.

Commercial (Oil) No. Motors Phase H.P.

Electric Heat (No. of Rooms)

APPLIANCES: No. Ranges Watts Brand Feeds (Size and No.)

Elec. Heaters Watts

Miscellaneous **DRYER** Watts

Extra Cabinets or Panels

\$1.50

Transformers Air Conditioners (No. Units)

Signs (No. Units)

Will commence 3/1/68 Ready to cover in

19 Inspection 3/1 1968

Amount of Fee \$ **1.50**

Signed *Jeffrey J. Turner*

DO NOT WRITE BELOW THIS LINE

SERVICE

METER

GROUND

VISITS: 1

2

3

4

5

6

7

8

9

10

11

12

REMARKS:

INSPECTED BY

W. H. [Signature]

(OVER)

cc 883

LOCATION *Clifton ST. 25*
 INSPECTION DATE *3/4/68*
 WORK COMPLETED *3/4/68*
 TOTAL NO. INSPECTIONS
 REMARKS:

"FEES FOR WIRING PERMITS EFFECTIVE JULY 31, 1963

WIRING

1 to 30 Outlets	(including switches)	\$ 2.00
31 to 60 Outlets	(including switches)	3.00
Over 60 Outlets, each Outlet	(including switches)	.05
(Each twelve feet or fraction thereof of fluorescent lighting or any type of plug molding will be classed as one outlet).		

SERVICES

Single Phase	2.00
Three Phase	4.00

MOTORS

Not exceeding 50 H.P.	3.00
Over 50 H.P.	4.00

HEATING UNITS

Domestic (Oil)	2.00
Commercial (Oil)	4.00
Electric Heat (Each Room)	.75

APPLIANCES

Ranges, Cooking Tops, Ovens, Water Heaters, Disposals, Dishwashers, etc. — Each Unit	1.50
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TEMPORARY WORK (limited to 6 months from date of permit)

Service, Single Phase	1.00
Service, Three Phase	2.00
Wiring, 1-50 Outlets	1.00
Wiring, each additional outlet over 50	.02
Circuits, Carnivals, Fairs, etc.	10.00

MISCELLANEOUS

Distribution Cabinet or Panel, per unit	1.00
Transformers, per unit	2.00



FILL IN AND SIGN WITH INK

APPLICATION FOR PERMIT FOR HEATING, COOKING OR POWER EQUIPMENT

Portland, Maine, May 27, 1956

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

The undersigned hereby applies for a permit to install the following heating, cooking or power equipment in accordance with the Laws of Maine, the Building Code of the City of Portland, and the following specifications:

Location 25 Clifton St. Use of Building Dwelling 2-fam. No. Stories 2 New Building
Name and address of owner of appliance Bernice Clark, 25 Clifton St. Existing "
Installer's name and address Peterson Oil Co., 337 Cumberland Ave. Telephone 3-7209

General Description of Work

To install gravity ~~forced~~ hot water boiler and oil burning equipment (new)

IF HEATER, OR POWER BOILER

Location of appliance basement Any burnable material in floor surface or beneath? no
If so, how protected? Kind of fuel? oil
Minimum distance to burnable material, from top of appliance or casing top of furnace 4'
From top of smoke pipe 36" From front of appliance Over 4' From sides or back of appliance Over 3'
Size of chimney flue 8x12 Other connections to same flue none
If gas fired, how vented? Rated maximum demand per hour
Will sufficient fresh air be supplied to the appliance to insure proper and safe combustion? yes

IF OIL BURNER

Name and type of burner Williams-oil-o-matic Labelled by underwriters' laboratories? yes
Will operator be always in attendance? Does oil supply line feed from top or bottom of tank? bottom
Type of floor beneath burner concrete Size of vent pipe 1 1/2"
Location of oil storage basement Number and capacity of tanks 1-275 gal.
Low water shut off Make No.
Will all tanks be more than five feet from any flame? yes How many tanks enclosed?
Total capacity of any existing storage tanks for furnace burners 2-275 gal.

IF COOKING APPLIANCE

Location of appliance Any burnable material in floor surface or beneath?
If so, how protected? Height of Legs, if any
Skirting at bottom of appliance? Distance to combustible material from top of appliance?
From front of appliance From sides and back From top of smokepipe
Size of chimney flue Other connections to same flue
Is hood to be provided? If so, how vented? Forced or gravity?
If gas fired, how vented? Rated maximum demand per hour

MISCELLANEOUS EQUIPMENT OR SPECIAL INFORMATION

Boiler to heat 4 radiators on third floor - no apt. on third floor
Third tank to be enclosed with 8" concrete block walls. All spaces to be filled with
sand and top be covered with sand at least 12" above the tank.

Amount of fee enclosed? 2.00 (\$3.00 for one heater, etc., 50 cents additional for each additional heater, etc., in same building at same time.)

APPROVED:

11-27-56

Will there be in charge of the above work a person competent to see that the State and City requirements pertaining thereto are observed? yes

Peterson Oil Co.

617 100 IN MAINE PRINTING CO.

INSPECTION COPY

Signature of Installer By: *Herbert A. Peterson*

1/2 dit No. 56/
Location 25 Clifton St.
Owner Bernice Clark
Date of permit 1/56
Approved

NOTES

December 18, 1956

AP 21-27 Clifton St.--Proposed additional heating system (this would make the third in the building) to heat exclusively several third floor rooms in this two-family dwelling house

Peterson Oil Company
Att: Mr. Kenneth Peterson
31 Cumberland Ave.
Mrs. Bernice R. Clark
25 Clifton St.

Dear Mrs. Clark & Gentlemen:

While Mrs. Clark's dilemma with relation to heating the third floor rooms in the building is appreciated, after studying her proposal for use of the third floor rooms with the cooperation of our Legal Department, we have reached the conclusion that the use which Mrs. Clark proposes for the third floor rooms, as described in her letter to me of December 5, represents a change of use of the building which is not allowed by the Zoning Ordinance in the Residence C Zone where her property is located. Because the Building Code provides that no permit shall be issued if it appears that the proposed work would not comply with the Zoning Ordinance, the permit for installation of the new heating plant, for which Mr. Peterson applied, is not issuable.

Will Mrs. Clark be good enough to accept this letter as notice that the proposed use for the third floor rooms by herself would be in violation of the Zoning Ordinance. She is, no doubt, aware of her rights of appeal to the Zoning Board of Appeals. If she should decide to pursue the matter further, the application for installation of the heating plant can be left as it is, and she should file application for a separate permit to change the use of the building from a two-family dwelling house with several rooms on third floor divided as to use between the two apartments on the floors below (irrespective of uses which have been made of these rooms in the past several years), it appears that this statement of the use is true as regards the established use of the building when the Zoning Ordinance was adopted--to use as a two-family dwelling house with one apartment on each of the two lower floors and with the several rooms on the third floor to be used as a suite for living quarters for the owner without kitchen or cooking facilities. The basis for any zoning appeal proposed would lie in the two applications for the permits.

The reasoning behind the above decision is what to be an allowable use that of the rooms on the third floor would, according to Section 10A of the Ordinance, have to qualify as an "accessory use customarily incident" to the allowed two-family dwelling house. The word "customarily" is emphasized.

Section 15A of the Ordinance undertakes to describe the term "accessory use", and the definition clearly allows the taking of not more than two lodgers in any

Peterson Oil Company
Mrs. Bernice R. Clark _____ 2

December 18, 1956

dwelling unit.

The question arises whether Mrs. Clark, as the owner of the building, could be considered a lodger in her own building. Whether that is so or not, it becomes clear that the proposed use could not be termed "incident" to either of the existing apartments in the building.

When the entire proposal is seen as a whole, it seems clear that the use proposed of four or more rooms on the third floor as living quarters for the owner as well as installing a separate heating plant to heat those rooms cannot be considered as "customary".

Very truly yours,

Warren McDonald
Inspector of Buildings

WMCD/B

3B

INTER-OFFICE CORRESPONDENCE

CITY OF PORTLAND, MAINE
CORPORATION COUNSEL

DATE: December 14, 1956

TO: Warren McDonald, Inspector of Buildings

FROM: Robert W. Donovan, Assistant Corporation Counsel


SUBJECT: 21-27 Clifton St. - Application of Zoning Ordinance to the owner's proposal for living quarters without cooking facility on the third floor of this two family dwelling house, and permit for installation of third heating boiler to heat these third floor rooms.

This is in reply to your memorandum of December 6, on the above matter.

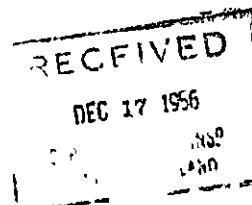
Regarding the first question stated in your memorandum, it is our feeling that use of the five rooms on the third floor by Mrs. Clark in the manner outlined in her letter of December 5 can not be construed as an accessory use customarily incident to the two family use of the property. If allowable at all, it is allowable as a lodging use. However, I feel that it is not allowable as such because (1) the use of five rooms by one lodger is certainly not customary even though cooking facilities are not provided, and (2) as you indicated in your memorandum of December 4, it is not customary for the owner of property to have a lodging of her own accessory to a tenant's apartment.

Regarding the second question, it would seem to me that since the contemplated use would be in violation of the Zoning Ordinance, you are well within your rights to refuse a permit under the Building Code for installation of a third boiler to heat the rooms in question.

The carbon copy of your letter of December 4 to Mrs. Clark and her letter of December 5 are herewith returned to you.


Robert W. Donovan
Assistant Corporation Counsel

C
Attachments (2)



Robert W. Donovan, Assistant Corporation Counsel

December 6, 1956

Warren McDonald, Inspector of Buildings

21-27 Clifton St. - Application of Zoning Ordinance to the owner's proposal for living quarters without cooking facility on the third floor of this two family dwelling house, and permit for installation of a third heating boiler to heat these third floor rooms.

You will remember our discussion of the above subject and that I was to ask Mrs. Clark, the owner, for more information as to her intentions.

That was done in my letter of Dec. 4th, copy attached, and we now have her reply of Dec. 5th, also attached.

It seems quite well established that in 1938 the building was used for a two family dwelling with one apartment in first story, one apartment in second story and the four or five rooms on third floor rented as a part of one or both of the apartments. The Assessors' record in 1924 shows the five rooms on third floor to be divided in use--two with one apartment and three with the other. From the direct record it seems quite clear that these changes referred to by Mrs. Clark in her letter have all taken place since 1938.

The following questions seem to appear:

- Could the use described by Mrs. Clark for the five rooms on second floor be in any way construed as customarily incident to or even accessory to either of the apartments in view of the fact that the use of these rooms would be by the owner who is renting out the other two apartments?
- If this cannot be termed an accessory use customarily incident to one of the apartments in the building, should the permit for the new heating boiler be issued in view of Section 106b of the Building Code which provides in the last sentence: "If the applicant fails to comply with the above requirements or, if it appears that the proposed work does not comply with the requirements of this Code or the Zoning Ordinance and of the other laws in force in the City applicable to the same subject matter, the Inspector shall refuse to issue the permit, in writing if requested, and shall state the reason for such refusal."

Inspector of Buildings

WMCD/G

Attachments: Copy of Inspector's letter of Dec. 4th
and Mrs. Clark's letter of Dec. 5th

25 Clifton Street,
Portland, Maine.
December 5, 1956.

City of Portland, Maine,
Department of Building Inspection,
Portland, Maine. Att: Mr. Warren McDonald.
Inspector of Buildings.

Gentlemen:

I am pleased to submit the following information
as to my intentions as to the use of the third floor rooms
at 25-27 Clifton Street, this City.

When my son, L. Allen Clark, Jr., now of South Portland, and his family occupied the first floor rent, I used the third floor as rooms for five years until he purchased his own home, at which time, I moved to the first floor. Because of the sloping ceilings on the third floor, I was unable to use all of my own furniture, some of which was inherited and the rest accumulated during thirty-five years of house-keeping. At that time, one room was used as storage for first and second floor tenants, but is now vacant. Since living on the first floor, I have been able to remove my possessions from storage, and therefore, it will be very easy for me to make use of all rooms on the third floor - that is, three bedrooms, living room and the fifth for display of my many collections of antique china, cut glass and pewter, this display room having the necessary straight walls for my antique cases.

While occupying the rooms during that time, my heat was furnished by boiler for the second floor with the tenants having full control. This was a very miserable set-up and very cold most of the time and though I used but three radiators against the tenant's seven, the oil bill was divided evenly. I think you can easily understand my dissatisfaction with such an arrangement. That is one reason why I would like the independence of my own heating plant.

I have no intention that this third floor ever be used by any other person or persons other than myself. In the event my relatives should move from the first floor, I would reoccupy and the second and third floors could be rented as one unit, or simply be left vacant.

Due to the expensive and unsatisfactory arrangements of the past, I believed that the installation of the boiler for the third floor rooms would enhance the value of the property and supply a flexibility as to heating or leaving unheated which would be pleasing to the second-floor tenants. Incidentally, I was on the second floor for about an hour Tuesday evening and became thoroughly chilled by the 65° temperature which made me realize that any arrangement with them to supply heat to the third floor rooms would be only a repetition of past discomfort. The installation of the third boiler to utilize the existing radiation system seemed to me to be logical answer to this problem.

December 5, 1956.

I am very pleased with the improvement in this property over the past six - seven years. During that time, I have had to practically rewire the whole house (\$500.00). This was done for the safety of the residents, and of course, for convenience. Because I was there, I could easily recognize how shabby and antiquated the property had become. The following is some of the improvements made:

Redecorated throughout the first two floors twice.
All floors with the exception of first floor hall sanded.
Old-fashioned set tubs in kitchens removed and Youngstown
kitchens installed, with automatic washer connections
and electric outlets for stoves. Inlaid linoleum laid
on kitchen and bathroom floors.
Back entrance hall covered with inlaid linoleum.
House given three coats of white paint. (Another paint job
planned for next year with blinds added.)
Driveway repaired. Tenants had used top of lawn for parking
resulting in a muddy mess. This was asphalted and cement
driveway widened and black-topped.
Gas side-arm hot water heaters replaced by electric heaters.
28 combination aluminum windows to be installed.

As you can see, this property has become my pride and joy, although very expensive. (I think I work to support it.) I feel that I have changed the property from a very shabby place to one that enhances the neighborhood. I realize that the Zoning Ordinance is primarily for the protection of such neighborhoods and naturally I have no intention of hurting the neighborhood in any way. The installation of a separate heating plant for my personal use, (at a cost of about \$1,000.) would be a great convenience to me, and when and if my relatives moved from the house, would create a flexibility in either closing off the third floor rooms, or economically heating without forcing the second floor boiler, so that they would be available for sleeping rooms as an adjunct to the second floor. However, I fully expect that the present arrangement with my relatives will obtain for many years, and you may rest assured that it is my earnest desire and intention to continue to improve the property so that it will be an asset to the general neighborhood.

Very sincerely yours,

Bernice R. Clark
Bernice R. Clark.

December 4, 1956

AP-21-27 Clifton St.—Proposed additional heating system (this would make the third in the building) to heat exclusively several third floor rooms in this two-family dwelling house

Mrs. Bernice R. Clark
25 Clifton St.
Peterson Oil Company
Att: Mr. Kenneth Peterson
377 Cumberland Ave.

Re: Mrs. Clark & Gentlemen:

Permit for this installation is not issuable presently because of questions as to use which occur under the Zoning Ordinance, concerning which we need more detailed information from the owner—please make it in writing, Mrs. Clark.

Three separate appeals have been filed seeking the right to provide three apartments in the Residence C Zone where the property is located, a use not permitted in that zone by the Zoning Ordinance; and all were denied. Without doubting in anyway the good faith of the owner, these facts make it imperative that we do not issue a permit which will lead to violation of the Ordinance or possibly place the Board of Appeals in such a situation as to prejudice a future decision.

As we now understand the proposition, Mrs. Clark, who is now occupying the first floor apartment, desires to rent that apartment to a relative with some rights reserved for herself in the first floor rooms, and to occupy one or more of the finished rooms on the third floor for her living quarters except that no cooking arrangements will be set up there and no food or meals prepared there. It appears that one of the existing heating systems in the building is now hooked-up to heat the third floor room but that this additional load on the boiler is unsatisfactory to the tenant using the boiler. Thus, it appears that Mrs. Clark, owner of the building, would be renting two apartments and would be occupying one or more of the third floor rooms in a dwelling owned by herself.

To reach a decision we need answers in writing to at least the following questions and any other information, which the owner cares to give:

- Which room or rooms will Mrs. Clark occupy?
- If Mrs. Clark is not to occupy all of the finished rooms on the third floor, what, specifically, will each of the other rooms on third floor be used for?
- Is it the intention now or might it be in the future to allow use of the third floor by any other person or persons?
- If so, would these other rooms be used as adjuncts of either or both of the apartments in first and/or second floor?
- In event the first floor apartment should ever be occupied by someone not a relative of the owner, what would be the most likely adjustment as to the third floor room or rooms?

Mrs. Bernice R. Clark
Peterson Oil Co.,

December 4, 1956

Mrs. Clark may feel assured that these questions are not intended to pry into her affairs or her future plans unnecessarily, but to enable us to arrive at the right interpretation of the Zoning Ordinance as applied to the proposal. If the use which Mrs. Clark proposes for the third floor rooms is to be allowable under the Zoning Ordinance in the Residence C Zone where the property is located, that use will have to be established as an accessory use customarily incident to any apartment like the apartments on first and second floors of the dwelling. The word "customarily" is important from the standpoint of zoning. From the standpoint of the information we have, it seems questionable that living quarters of the owner in her own building can be considered as customary as regards being incident to the apartment of a tenant. Again, it seems hardly customary to provide in a two family dwelling a third heating plant to provide heat for rooms which are not rented directly to the occupants of one of the apartments.

From looking back through the history of this building, it becomes evident that many years ago it was a two-family dwelling house with one family in the first story, one family in the second story and with the four or five rooms on third floor divided as to occupancy between the two tenants. Such an arrangement has been customary for many years. That this arrangement could continue cannot be doubted.

Very truly yours,

WMCD/D

Warren McDonald
Inspector of Buildings

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